FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. No.811 of 2006 in FA (St.) No.3508 of 2006
WITH
C.A. No.813 of 2006 in FA (St.) No.3514 of 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.D. Deshpande for Applicants-Appellants.

None for Respondent No.1.

CORAM : SMT.ROSHAN DALVI, J.

DATED : 21st June, 2007

P.C. :

1. Both these Applications are for condonation of delay of 1 year and 282 days in filing the First Appeal. Respondent No.1 has been served. Respondent Nos.2 and 3 have not been served. On 21.7.2006 the Advocate for the Applicants was given leave to serve Respondent Nos.2 and 3 by private notice, which was made returnable on 5.9.2006. The Advocate had to file an affidavit of service. If the affidavit of service was not made on the

returnable date, the application for condonation of delay was to stand dismissed for want of prosecution against Respondent Nos.2 and 3. Respondent Nos.2 and 3 were not served. Affidavit of service was not filed. The Applications stood dismissed.

2. Yet on 3.10.2006, the applications were stayed over till 10.10.2006 for furnishing fresh address of Respondent Nos.2 and 3. The fresh address is not yet furnished. Respondent Nos.2 and 3 are yet not served. It is more than 8 months since passing of the last order. The delay in filing the Appeal is already of more than one and half years. Even after filing the Appeal for about one year, nothing is done. No further time can be granted. Appeal against Respondent Nos.2 and 3 stands dismissed for want of service.

3. Respondent No.1 has been served and hence, the Appeal remains against Respondent No.1, if the delay is condoned. The delay, as aforesaid, is of 1 year and 282 days. Upon the Applicants paying costs of Rs.1,000/- to the High Court Legal Services Authority within four weeks from today, the delay against Respondent No.1 shall stand condoned. If the costs are not paid within four weeks from today, the Appeal shall stand dismissed against Respondent No.1 also.

4. The Applicants have also applied for stay of the impugned judgment and order. In view of the above, stay is refused in both the Applications.

(ROSHAN DALVI, J.)